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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/660,533  
Filing Date: 9/12/2003  
Appellant(s): PANUNTO ET AL.

**MAILED**

NOV 01 2007

**GROUP 3600**

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Hetal P. Kushwaha  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 7/24/2007 appealing from the Office action  
mailed 6/15/2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

4,978,114	Holbrook	12-1990
5,641,155	Bridges	06-1997
6,550,764	Wilson et al.	04-2003
5,449,166	Lohmann et al.	09-1995
4,928,944	Goliez	05-1990
5,358,229	Groel et al.	10-1994

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 2-6, 8-10 and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "said discharge chute" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 13, it is unclear if the recited "said nip" in line 24 of claim 13 refers back to the previously recited "a nip" in line 20 of claim 13 or the previously recited "a nip" in line 10 of claim 13.

Independent claim 13 recites the limitation "the single flat media elements" in line 25. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-3, 5-6, 8, 10 and 13, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,978,114 (Holbrook) in view of U.S. Patent No. 5,641,155 (Bridges), and further in view of U.S. Patent No. 6,550,764 (Wilson et al.).

Regarding independent claim 13, Figs. 1-4 of Holbrook show a dispenser for dispensing flat media seriatim to a discharge end, including

a media storage bin (including 2) for storing a stack of flat media elements (3), the bin having a bottom end;

a driven rear conveyor (including 10) extending under the bottom end of the media storage bin (including 2) for carrying away flat media elements (3) from the bottom of the stack in a shingled relationship wherein the flat media elements (3) lie flat on the conveyor (including 10) with the leading edge of one said media element (3) overlying the trailing edge of a preceding said media element (3), the driven rear conveyor (including 10) being driven intermittently at a first linear velocity  $V_R$ ;

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a coarse media separator (near 145) defining a nip with the rear conveyor (including 10); said nip cooperation with the rear conveyer (including 10) to feed the media elements (3) off the bottom of the stack onto the rear conveyer (including 10) in the shingled relationship;

a driven front conveyor (including 80) downstream of the rear conveyor (including 10) for receiving the flat media elements (3) from the rear conveyor (including 10), the driven front conveyor (including 80) being driven intermittently at a second linear velocity  $V_F$ ;

a single media separator (including 169) comprising a second nip roller (169) cooperating with the driven front conveyor (including 80) to define a nip to separate the shingled media elements (3) received from the rear conveyor (including 10) into single media elements;

a transport conveyor (including 9) for carrying the single flat media elements (3) from the front conveyor (including 80) to the discharge end, the transport conveyor (including 9) being driven intermittently at a third linear velocity  $V_T$ ; and

a plurality of sensors (198). However, the Holbrook patent fails to disclose that the coarse media separator (near 145) has a first nip roller. Also, the Holbrook patent does not specifically disclose first and second height adjustment mechanisms, as claimed. In addition, Holbrook discloses sensors (198), but does not specifically disclose that such sensors operate as claimed.

The Bridges patent discloses that it is well known to provide a dispenser with media separator having a nip roller (17); and a height adjustment mechanism (including 44) that allows the nip roller (17) to be adjusted such that a single flat element (72a in Fig. 4a) or a shingled array of elements (72a-72d in Fig. 5) can be fed. Column 4, lines 54-58 explain that such an adjustable nip roller arrangement allows adjustments to be made so that a desired height of a stack, which is to be conveyed, can be attained. This section also explains that such an arrangement allows adjustments to be made responsive to the coefficient of friction of the material in the stack. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Holbrook device with a coarse media separator having a nip roller; and a first height adjustment mechanism, in order to allow adjustments to be made so that a desired height of a stack, which is to be conveyed, can be attained, as taught by Bridges. Moreover, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the single media separator of Holbrook with a single media separator that can be adjusted via a second height adjustment device, in order to allow adjustments to be made responsive to the coefficient of friction of the material in the stack, as taught by Bridges.

The Wilson et al. patent discloses that it is well known to provide a dispenser with a first sensor (241) responsive to the presence or absence of a media element at a discharge end to stop operation of a transport conveyor (50); a second sensor (231) responsive to the presence or absence of a media element on the transport conveyor (50) to stop operation of a front conveyor (31); and a third sensor (221) responsive to

the presence or absence of a media element at an input to the front conveyor (31) to stop operation of a rear conveyor (17). More specifically, Fig. 3 of the Wilson patent shows a combination of sensors 201-241 and a microprocessor controller. Column 7, lines 37-47 explain that such an arrangement provides a comprehensive and coherent control system to better enforce gap size and to increase document throughput. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Holbrook device with sensors and to operate the controller (16) of Holbrook in a manner as taught by Wilson et al., in order to better enforce gap size and to increase document throughput, as taught by Wilson et al. Providing sensors on the Holbrook device in a manner as taught by Wilson, will result in a first, second and third sensor arrangement, as claimed.

Regarding claim 2, column 13, lines 26-30 of Wilson et al. explain that it is well known to operate a rear conveyer 17 at  $V_R = 37.4$  ips. Also, column 5, lines 52-55 and column 13, lines 60-62 of Wilson et al. explain that it is well known to operate a belt 42 that drives media at a speed ( $V_F = 42$  ips) through a front conveyer (31). As such,  $V_F > V_R$ . Also, Figs. 9f-9g of Wilson et al. show a situation where  $V_T > V_F$ . Element (50) is a transport conveyer in Wilson et al. In addition, Wilson et al. provides a general teaching in column 10, lines 19-23 that it is advantageous to increase the speed of the conveying devices, so that there is a tension applied to the sheets to pull the sheets downstream. It would have been obvious to one of ordinary skill in the art at the time the invention was made to operate the rear conveyer, the front conveyer and the

transport conveyer of Holbrook at  $V_F > V_R$  and  $V_T > V_F$ , to apply sufficient tension to the sheets to pull them downstream, as taught by Wilson et al.

Regarding claim 3, Fig. 1 of Holbrook shows that the media storage bin (2) is arranged vertically.

Regarding claim 5, Fig. 1 of Holbrook shows that the transport conveyer (9) has upper and lower conveyers that are spaced apart to secure single media elements, but does not show that the transport conveyer has belts. Holbrook as modified by Bridges and Wilson et al. meets the limitations of the claim except that it employs a upper and lower rollers rather than a plurality of upper and lower belts in order to transport sheets. However, these two elements were art recognized equivalents at the time of the invention in those sheet transport applications where it is immaterial whether the plurality of belts or the rollers are used for transporting sheets. Therefore, one of ordinary skill would have found it obvious to substitute a plurality of belts for the rollers of Holbrook to facilitate sheet transport as suggested by Fig. 4 of Holbrook.

Regarding claim 6, the combination of Holbrook, Bridges and Wilson et al. discloses the claimed invention, except for the different types of media conveyed by the apparatus. It would have been obvious to one having ordinary skill in the art at the time the invention was made to convey any suitable media on the Holbrook apparatus, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of design choice.

In re Leshin, 125 USPQ 416.

Regarding claim 8, Figs. 8h and 8j of Wilson et al. show that the first sensor (241) operates to stop operation of the transport conveyor (50) when it senses the presence of media thereat. Thus, providing the sensors in this manner in the Holbrook device will have the same result.

Regarding claim 10, Holbrook provides a broad teaching that the motors (11 and 14 that operate the front and transport conveyors (including 80 and 9, respectively) can be operated in any suitable manner. See, e.g., column 2, lines 32-38. It would have been an obvious to one of ordinary skill in the art at the time the invention was made to start the operation of the transport conveyer (9) whenever the front conveyer (including 80) starts its operation, so that the transport conveyer (9) is ready to receive sheets from the front conveyer (including 80) when ever the front conveyer is running.

3. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holbrook in view of Bridges, and further in view of Wilson et al. as applied to claim 2 above, and further in view of U.S. Patent No. 4,928,944 (Goliez).

Regarding claims 4 and 12, Fig. 3 of Holbrook shows that the front conveyor comprises at least two parallel conveyor belts (80), but does not show that the rear conveyer (including 10) has two belts.

The Goliez patent shows that it is well known in the art to provide a dispenser with a plurality of belts (34) in a conveyer for rapidly feeding sheets from a stack. See, e.g., column 4, line 60 of the Goliez patent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the dispenser of

Holbrook with a plurality of belts instead of rollers (10), because such a modification merely replaces one well-known sheet feeding device with another well-known sheet feeding device that performs the same function.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holbrook in view of Bridges, and further in view of Wilson et al. as applied to claim 8 above, and further in view of U.S. Patent No. 5,358,229 (Groel et al.).

Regarding claim 9, the combination of Holbrook, Bridges and Wilson et al. discloses all of the limitations of claim 9, except for a box ready sensor, as claimed. The Groel et al. patent discloses that it is well known to provide a dispenser with a box ready sensor (13) to sense when a receiver (near 11) for media being discharged is capable of receiving more media, and which operates to start operation of a transport conveyor (Fig. 1) when the receiver is capable of receiving more media. Groel et al. explains that such an arrangement requires less expense for supervision. See, e.g., column 1, lines 23-27. It would have been an obvious to one of ordinary skill in the art at the time the invention was made to provide the Holbrook apparatus with a box ready sensor at a receiver in order to control the dispensing of sheets with less supervision, as taught by Groel et al.

#### **(10) Response to Argument**

**Issue 1: Claims 2-3, 5-6, 8, 10 and 13 are unpatentable over U.S. Patent No. 4,978,114 (Holbrook) in view of U.S. Patent No. 5,641,155 (Bridges), and further in view of U.S. Patent No. 6,550,764 (Wilson et al.).**

Claim 13

A. Holbrook and Bridges, in combination, teach the second height adjustment mechanism to allow media elements to pass through one at a time as separated media elements as recited in claim 13.

Appellant alleges that, "Both references fail to teach or suggest use of a second height adjusting mechanism to separate media elements. Neither reference teaches, suggests or even appreciates the advantage of having such a second height adjustment mechanism to permit large-sized media elements to be singulated as does the present invention." In support of these allegations, appellant mentions that Holbrook discloses that roller 169 and roller 217 are urged downwards, and then argues, "It certainly teaches away from the rollers being height adjustable."

Moreover, appellant argues that, "the prefeeder of Bridges is analogous to the course media separator of present claim 13, not to the single media separator. There is no teaching or suggestion of a second height adjustment mechanism to allow media elements to pass through one at a time as separated media elements as recited in present claim 13." These allegations are **without merit**.

In response, claim 13 recites, "a single media separator comprising a second nip roller cooperating with said driven front conveyer to define a nip to separate said shingled media elements received from the rear conveyer into single elements; and a second height adjustment mechanism for setting a second vertical spacing between the second nip roller and the front conveyer to allow said media elements to pass through said nip one at a time as separated media elements."

The examiner relies upon at least elements 10, 80, and 169 of the **Holbrook** patent to disclose a **single media separator** (including 169) comprising a second nip roller (169) cooperating with the driven front conveyor (including 80) to define a nip to separate the shingled media elements (3) received from the rear conveyor (including 10) into single media elements. Then, the examiner relies upon the **Bridges** patent to provide a teaching for making the single media separator (including 169) of Holbrook adjustable via an adjusting mechanism. The fact that rollers 169 and 217 of Holbrook are urged downwards **does not teach away** from making such rollers 169 and 217 adjustable. In fact, the **Bridges** patent teaches that it is well known to provide a nip roller arrangement including a member (12) supporting a nip roller (17), which is **urged downwards** by a spring (48) **and adjustable** via an adjustment knob 44. See e.g., Fig. 6 of the **Bridges** patent. Thus, the fact that Holbrook has rollers that are urged downward **does not teach away** from making such rollers adjustable, particularly in view of the teachings of the **Bridges** patent. See e.g., Fig. 6 of the **Bridges** patent.

As mentioned above, the examiner relies upon at least elements 10, 80, and 169 of the **Holbrook** patent to disclose a **single media separator** (including 169) comprising a second nip roller (169) cooperating with the driven front conveyor (including 80) to define a nip to separate the shingled media elements (3) received from the rear conveyor (including 10) into single media elements. Since the **Holbrook** patent discloses a single media separator, there is **no need** to rely upon the **Bridges** patent to provide a teaching for separating elements one by one. The **Bridges** patent is relied upon to teach a height adjustment mechanism (including 44) for setting a vertical height

of a nip roller (17). Thus, this combination of references (Holbrook and Bridges) meets the limitations of the single media separator and the second height adjustment mechanism set forth in claim 13.

B. Holbrook and Wilson et al., in combination, teach the sensor arrangement of present claim 13.

Appellants allege, "Appellant submits then that the teachings of Holbrook and Wilson et al. are so divergent, that one skilled in the art would not combine the teachings to arrive at the sensor arrangement of claim 13."

In support of this allegation, appellant argues, "It is specifically taught that the separation between stations 2, 4, 8 and 9 'is less than the length of the smallest envelope processable by the feeder 1' (see column 2, lines 34 to 36). Therefore, in Holbrook there is no teaching or suggestion that the speed of the envelopes can be variable as they are input to and output from the singulator station 4. In fact, during the entire process the envelopes only travel along a single belt, namely belt 6. Further, motor 11 controls both shaft 173 and belt 6, so the belts of the first and second frames and belt 6 are all simultaneously controlled." This allegation is **without merit**.

In response, claim 13 recites, "a first sensor responsive to the presence or absence of a media element at the discharge end to stop operation of the transport conveyor; a second sensor responsive to the presence or absence of a media element on the transport conveyor to stop operation of the front conveyor; and a third sensor responsive to the presence or absence of a media element at an input to the front conveyor to stop operation of the rear conveyor."

It is important to keep in mind that the examiner relies upon elements 9, 80 and 10 of Holbrook to disclose the recited transport conveyer, front conveyer, and rear conveyer, respectively. Then, the examiner relies upon the Wilson et al. patent to provide a teaching for adding first, second and third sensors to the Holbrook apparatus to control the operations of the transport conveyer, the front conveyer and the rear conveyer of Holbrook, as claimed.

With regard to appellant's remarks about column 2, lines 34-36 of Holbrook, this section of Holbrook states, "The separation between successive feeder stations 2, 4, 8 or 9 is less than the length of the smallest envelope processable by the feeder 1." (emphasis added). In other words, the spacing between areas 4 and 8 of Holbrook is less than the length of the smallest envelope processable by the feeder 1. Similarly, the spacing between areas 8 and 9 of Holbrook is less than the length of the smallest envelope processable by the feeder 1. However, Holbrook does **not** disclose that the spacing between areas 6 and 9 of Holbrook (i.e., the areas where elements 80 and 9 are located) is less than the length of the smallest envelope processable by the feeder 1. As such, sheets are capable of being driven at a different speeds when passing through elements 80 and 9. In addition, Fig. 1 of Holbrook show that the bottommost sheet can leave element 10 and only be in contact with element 80. Thus, there is no reason why sheets cannot be changed in speed between the time such sheets enter element 80 and the time such sheets leave element 80. Accordingly, the teachings of Holbrook and Wilson et al. are not divergent. There is no reason why the Holbrook

apparatus cannot be operated with first, second and third sensors, in order to better enforce gap size and to increase document throughput, as taught by Wilson et al.

With regard to appellant's comments about motor 11 of Holbrook, Figs. 1 and 2 of Holbrook show that element 80 and an unnumbered roller to the left of reference numeral 8 are both driven by a motor 11. On the other hand, element 9 is driven by a different motor 14. Thus, elements 9 and 80 (the transport conveyer and the front conveyer) are capable of being driven at different speeds by the different motors 11 and 14. Moreover, the text and the figures of Holbrook do not appear to provide any reason why element 10 cannot be driven at a different speed than the speeds of elements 9 and 80.

Thus, the teachings of Holbrook and Wilson et al. are not divergent. There is no reason why the Holbrook apparatus cannot be operated with first, second and third sensors, in order to better enforce gap size and to increase document throughput, as taught by Wilson et al. More specifically, the Wilson et al. patent discloses that it is well known to provide a dispenser with a first sensor (241) responsive to the presence or absence of a media element at a discharge end to stop operation of a transport conveyor (50); a second sensor (231) responsive to the presence or absence of a media element on the transport conveyor (50) to stop operation of a front conveyor (31); and a third sensor (221) responsive to the presence or absence of a media element at an input to the front conveyor (31) to stop operation of a rear conveyor (17). More specifically, Fig. 3 of the Wilson patent shows a combination of sensors 201-241 and a microprocessor controller. Column 7, lines 37-47 explain that such an arrangement

provides a comprehensive and coherent control system to better enforce gap size and to increase document throughput. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Holbrook device with sensors and to operate the controller (16) of Holbrook in a manner as taught by Wilson et al., in order to better enforce gap size and to increase document throughput, as taught by Wilson et al. Providing sensors on the Holbrook device in a manner as taught by Wilson, will result in a first, second and third sensor arrangement, as claimed.

Claim 5

Appellant alleges, "Element 9 of Holbrook is a flat moistening station, which is provided as an additional processing station after the envelopes are singulated. This is not analogous to the transport conveyor of the present invention. Therefore, the 'transport conveyor' of Holbrook does not comprise upper and lower conveyors." This allegation is **without merit**.

In response, claim 5 depends from claim 2, which ultimately depends from claim 13. Claim 13 recites, "a transport conveyor for carrying the single flat media elements from said front conveyor to said discharge end, the transport conveyor being driven intermittently at a third linear velocity  $V_T$ ". Element 9 meets the transport conveyer limitation. In particular, the transport conveyor (including 9) carries the single flat media elements (3) from the front conveyor (including 80) to the discharge end, as claimed. Also, the transport conveyor (including 9) can be intermittently driven by motor (14). For example, whenever the motor (14) is tuned off, element 9 is not driven. Whenever the motor (14) is turned on element 9 is driven.

Then, appellant alleges that "the Examiner has made the unsubstantiated comment that, even though none of Holbrook, Bridges and Wilson et al. teach the use of upper and lower belts, that it would be obvious to substitute a plurality of belts for the rollers. Applicant respectfully traverses this and respectfully requests that the Examiner cite art in support of this position." This allegation is **without merit**.

In response, it is well known in the art that belts are an art known equivalent for rollers. As one example, see Fig. 1 and column 3, lines 35-44 of U.S. Patent No. 5,449,166 (Lohmann et al.), which discloses that rollers and belts are equivalent to one another.

In addition, appellant alleges, "dependent claim 5 depends either directly or indirectly from independent claim 13, and includes all of the limitations of its respective parent claim. Therefore, this dependent claim is believed to be distinguishable over the cited references for at least the same reasons as those given to the respective parent claim." This allegation is **without merit**.

In response, U.S. Patent No. 4,978,114 (Holbrook) in view of U.S. Patent No. 5,641,155 (Bridges), and further in view of U.S. Patent No. 6,550,764 (Wilson et al.) meets all of the limitations of claim 13 (the parent claim), as explained above.

#### Claim 6

Appellant alleges "One skilled in the art attempting to use Wilson for singulating heavy material, such as catalogues, would encounter precisely the problems that the invention seeks to overcome, namely that because of the weight of the stack of documents any separator attempting to singulate the documents off the bottom of the

stack without the claimed means would tend to jam or pass more than one item." This allegation is **without merit**.

In response, it is the examiner's position that it would have been obvious to one having ordinary skill in the art at the time the invention was made to convey any suitable media on the Holbrook apparatus, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of design choice.

In any event, the type of media elements worked on by the dispenser does not impart patentability to claim 6, in view of MPEP, section 2115. Specifically, MPEP, section 2115 states that, "[i]nclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims." See MPEP, section 2115.

In addition, appellant alleges, "dependent claim 6 depends either directly or indirectly from independent claim 13, and includes all of the limitations of its respective parent claim. Therefore, this dependent claim is believed to be distinguishable over the cited references for at least the same reasons as those given to the respective parent claim." This allegation is **without merit**.

In response, U.S. Patent No. 4,978,114 (Holbrook) in view of U.S. Patent No. 5,641,155 (Bridges), and further in view of U.S. Patent No. 6,550,764 (Wilson et al.) meets all of the limitations of claim 13 (the parent claim), as explained above.

#### Claim 10

Appellant alleges, "However, element 9 of Holbrook is a flat moistening station, which is provided as an additional processing station after the envelopes are singulated.

It is submitted that belt 6 of Holbrook serves as both the front and transport conveyors of the present invention. And therefore, Holbrook cannot teach or suggest that whenever said front conveyor starts its operation, said transport conveyor also starts its operation." This allegation is **without merit**.

In response, claim 10 depends from claim 8, which depends from claim 2, which ultimately depends from claim 13. Claim 13 recites, "a transport conveyor for carrying the single flat media elements from said front conveyor to said discharge end, the transport conveyor being driven intermittently at a third linear velocity  $V_T$ ". Element 9 meets the transport conveyer limitation. In particular, the transport conveyor (including 9) carries the single flat media elements (3) from the front conveyor (including 80) to the discharge end, as claimed. Also, the transport conveyor (including 9) can be intermittently driven by motor (14). For example, whenever the motor (14) is tuned off, element 9 is not driven. Whenever the motor (14) is turned on element 9 is driven.

Moreover, appellant alleges, "dependent claim 10 depends either directly or indirectly from independent claim 13, and includes all of the limitations of its respective parent claim. Therefore, this dependent claim is believed to be distinguishable over the cited references for at least the same reasons as those given to the respective parent claim." This allegation is **without merit**.

In response, U.S. Patent No. 4,978,114 (Holbrook) in view of U.S. Patent No. 5,641,155 (Bridges), and further in view of U.S. Patent No. 6,550,764 (Wilson et al.) meets all of the limitations of claim 13 (the parent claim), as explained above.

Claims 2-3 and 8

Appellant alleges, “dependent claims 2-3 and 8 depend either directly or indirectly from independent claim 13, and include all of the limitations of its respective parent claim. Therefore, the dependent claims are believed to be distinguishable over the cited references for at least the same reasons as those given to the respective parent claims.” This allegation is **without merit**.

In response, U.S. Patent No. 4,978,114 (Holbrook) in view of U.S. Patent No. 5,641,155 (Bridges), and further in view of U.S. Patent No. 6,550,764 (Wilson et al.) meets all of the limitations of claim 13 (the parent claim), as explained above.

**Issue 2: Claims 4 and 12 are unpatentable over U.S. Patent No. 4,978,114 (Holbrook) in view of U.S. Patent No. 5,641,155 (Bridges), and further in view of U.S. Patent No. 6,550,764 (Wilson et al.) and further in view of U.S. Patent No. 4,928,944 (Goliez).**

Appellant alleges, “Dependent claims 4 and 12 depend either directly or indirectly from independent claim 13, and include all of the limitations of its respective parent claim. Therefore, the dependent claims are believed to be distinguishable over the cited references for at least the same reasons as those given to the respective parent claims.” This allegation is **without merit**.

In response, U.S. Patent No. 4,978,114 (Holbrook) in view of U.S. Patent No. 5,641,155 (Bridges), and further in view of U.S. Patent No. 6,550,764 (Wilson et al.) meets all of the limitations of claim 13 (the parent claim), as explained above.

**Issue 3: Claim 9 is unpatentable over U.S. Patent No. 4,978,114 (Holbrook) in view of U.S. Patent No. 5,641,155 (Bridges), and further in view of U.S. Patent No. 6,550,764 (Wilson et al.) and further in view of U.S. Patent No. 5,358,229 (Groel et al.).**

Appellant alleges, "Dependent claim 9 depends either directly or indirectly from independent claim 13, and includes all of the limitations of its respective parent claim. Therefore, this dependent claim is believed to be distinguishable over the cited references for at least the same reasons as those given to the respective parent claim." This allegation is **without merit**.

In response, U.S. Patent No. 4,978,114 (Holbrook) in view of U.S. Patent No. 5,641,155 (Bridges), and further in view of U.S. Patent No. 6,550,764 (Wilson et al.) meets all of the limitations of claim 13 (the parent claim), as explained above.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Thomas Morrison



Conferees:

Patrick Mackey

Meredith Pet travick



PATRICK MACKEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600